IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22333 of 2004

Between:

Suda Thirupathiaiah S/o.Venkataiah
Jadcherla Man., Mahabubnagar District.

..... PETITIONER

AND

1 The State House Officer Rural P.S. Mahabubnagar,Mahabubnagar District.
2 The Superintendent of Police Mahabubnagar District.

.....RESPONDENT(S)

Petition filed under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of mandamus, declaring the action of the respondents in interfering in Civil rights by taking the petitioner and his family to the police station by force and asking to pay Rs.40,000/- to the parents of petitioner's wife on or before 1st week of December, 2004, is illegal, arbitrary and violation of Civil rights of the petitioner and violation of Articles 14,19, and 21 of the Indian Constitution, consequently direct the respondents not to interfere in Civil rights of the petitioner by using force in collecting Rs.40,000/- or not to use force to get settlement in marital relations of the petitioner and his wife and pass such other order or orders as the Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.KOONA REDDY ANJI REDDY

Counsel for the Respondent No.1: GP FOR HOME

The Court at the stage of admission, made the following :

ORDER:

The petitioner alleges that he is being called to the Police Station by the 1st respondent frequently, and being pressurized to pay a sum of Rs.40,000/-, to the parents of his wife. He alleges that the respondents are interfering with his rights, guaranteed under Articles 14, 19 and 21 of the Constitution of India.

Heard the learned counsel for the petitioner and learned Government Pleader for Home.

The petitioner alleges that the 1st respondent is frequently calling him to the Police Station and pressurizing to part with some amount. He states that no case has been registered so far against him. Learned Government Pleader for Home, on the other hand, submits that the respondents are not at all interfering with the rights of the petitioner.

The Police authorities are vested with the power to undertake investigation into any complaint or any criminal acts, which come to the notice. However, before undertaking any investigation, they are under obligation to register a case. Requiring a person to attend the Police Station, without registering a case, certainly amounts to interference with the rights guaranteed to a citizen.

Hence, the writ petition is disposed of, directing that the respondents shall not insist on the petitioner to attend the Police Station, except where a case is registered against him. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.09-12-2004

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To

1 The State House Officer rural P.S. Mehabubnagar,Mehabubnagar District.
2 The Superintendent of Police Mehabubnagar District.

3. 2 CCs to G.P. for Home, High Court of A.P., High Court Buildings,

Hyderabad (OUT).

4. 2 C.D. copies.